

REMARKS

Claims 1-21 are pending. In the Office Action mailed December 9, 2004, the Examiner rejected all claims under 35 U.S.C. 103(a) as being unpatentable over Mosher (U.S. Patent Application Publication No. 2002/0099790) in view of Granade (U.S. Patent Application Publication No. 2002/0103881). The Examiner additionally objected to an informality in figure 1 and an informality in claim 9. Applicant traverses these rejections for at least the following reasons.

Along with this response, Applicant submits a replacement figure 1 that corrects a typographical error at step 56. Applicant also submits a replacement figure 2, which replaces the informal drawing filed with the application. Applicant has also amended claim 9 to correct a typographical error in its dependency. As amended, claim 9 now depends from claim 4, which provide proper antecedent basis for “capability indication.”

Claim 1 is a method “of selecting a transmission mode for streaming media content to a wireless handset.” The method includes “presenting on the wireless handset a set of choices indicating transmission modes for streaming media content to the wireless handset, wherein the set of choices is tailored based on at least one presentation capability of the wireless handset.” A user of the wireless handset can select one of the transmission modes, and the wireless device can in turn send an indication of that selection to the media server. In response to the selection, the wireless device receives “a list of available media content, wherein all media content in the list of available media content is compatible with the indicated transmission mode and therefore capable of presentation on the wireless handset.”

That is, the set of transmission modes is based on a presentation capability of the wireless handset. Because the transmission modes are based on the presentation capability of the device,

the subsequently generated list of available content, which is generated from a selected one of the transmission modes, is therefore also based on a presentation capability of the wireless handset. Accordingly, all the media content in the list is capable of presentation on the wireless handset. Thus, the method of claim 1 provides a way to view and select only among that available media content that is capable of presentation on the wireless handset.

In rejecting claim 1, the Examiner relied on the combination of Mosher and Granade. The Examiner asserted that Mosher shows all the steps of the method, except that Mosher does not specifically disclose that the set of choices of the transmission modes is tailored based on at least one presentation capability of the wireless handset. However, the Examiner asserted that Granade clearly shows a set of choices which is tailored based on at least one presentation capability of a wireless device for the purpose of facilitating presentation of media content, and therefore the Examiner rejected claim 1 based on the combination of these two references.

Applicant respectfully disagrees that either of the references teach or suggest “a set of choices indicating transmission modes for streaming media content to the wireless handset.” Moreover, neither of the references teach or suggest “receiving a list of available media content, wherein all media content in the list of available media content is compatible with the indicated transmission mode and therefore capable of presentation on the wireless handset.” Further, it would be improper to modify Mosher to generate such a list of available media content that is compatible with an indicated transmission mode and capable of presentation on a requesting wireless handset, because the purpose of Mosher is to “aggregate all of a Content Provider’s media assets into one location,” thereby allowing a device to search and discover content that it might not be capable of playing, displaying or otherwise rendering. (Mosher, ¶0048).

Mosher is directed toward a method and system for providing convergent network services. As Mosher describes in its “Background of the Invention” section, “Content Providers are faced with the challenge of trying to educate their Users about the various media asserts they have, their media types, where to find the assets and types, and what tools are required to access them.” (Mosher, ¶0004). That is, for example, a cable television user might be able to determine the various TV programs a content provider offers, but might not be able to search and see that the content provider also streams MPEG audio files that can be played on a media player application.

Mosher describes a framework consisting of multiple axes that may be searched to determine all the content that a content provider has to offer. The user can then search across different axes (e.g., theme, format, Provider, etc...) to discover content in the content provider’s entire catalog. As Mosher describes, “using this method, Content Providers can offer their audiences convenient access to all of their media assets. The system of the invention works as both a promotional and educational tool, allowing Content Providers to advertise and offer new media assets to Users.” (Mosher, ¶0042). Thus, not only does Mosher not teach or suggest creating and sending to a device a list of content that is based on a presentation capability of the device and therefore only includes content that is capable of display on the device, it teaches away from any such modification.

The purpose of Mosher is to expose a device’s user to a content provider’s full catalog of content – which includes both content that can be executed on the device and content that cannot be executed on the device. Accordingly, Mosher touts the benefits of allowing a user to search the content provider’s entire content catalog, and it also describes that this overcomes limitations of other prior systems. Thus, not only does Mosher teach away from sending a list of content

that only includes content that is capable of presentation on a requesting wireless device, but any such modification would render Mosher inoperable for its intended purpose of allowing a user to search and view a content provider's entire catalog. Therefore, Applicant respectfully submits that the Examiner has failed to make a prima facie case of obviousness, because there is no motivation to combine Mosher and Granade in the manner suggested by the Examiner.

Granade is directed toward a "method and system for integrating an application executing on a backend system with a mobile device that communicates over a network with the application." (Granade, Abstract). As described in Granade, "backend systems 102 are servers originally developed for use with desktop systems that now need to be accessed through voice and data capabilities of mobile devices 106." (Granade, ¶0026). It goes on to list examples of backend applications, such as Enterprise Resource Planning (ERP), Sales Force Automation (SFA), Supply Chain Management (SCM) and other such applications. (Granade, ¶0026). Thus, Granade is not streaming stored content to a device. Rather it is adapting the output of an already executing program for display on the device.


For example, Granade describes that "in one implementation, results from various backend systems 102 are converted to an intermediary language compatible with XML and passed to mobile presentation server 114 for adaptation to the particular device." (Granade, ¶0029). Because Granade is adapting data from an already executing program to be sent to a device rather than allowing a device to select between media content that is stored by a media server, it does not teach or suggest generating a list of available media content that a user of the device can select among, wherein the available media content is compatible with an indicated transmission mode and therefore capable of display on the device.

Therefore, neither Mosher nor Granade teach or suggest all elements of Applicant's independent claim 1. Further, for the reasons previously described, there is no motivation to combine Mosher and Granade in the manner suggested by the Examiner. Therefore, Applicant respectfully submits that the Examiner has failed to make a prima facie case of obviousness and that claim 1 is allowable. Accordingly, dependent claims 1-11 are also allowable. Independent claims 12, 18 and 19 include similar elements and are therefore also allowable along with their dependent claims.

Applicant submits that these amendments place the application in condition for allowance. If any questions or issues remain, the Examiner is invited to contact Applicant's attorney, Brian Harris, at his direct dial number of (312) 913-3303.

Respectfully submitted,

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By: 
Brian R. Harris
Registration No. 45,900

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive, 31st Floor
Chicago, IL 60606
312-913-0001 (phone)
312-913-0002 (fax)